

1 BILL NO. S-86-05- 01 (as amended)

2 SPECIAL ORDINANCE NO. S- 92-86

3 AN ORDINANCE amending the Municipal Code of  
4 the City of Fort Wayne, Indiana, by deleting  
5 Chapter 5 thereof and replacing therewith an  
6 entire new Chapter entitled "Amusements."

7 WHEREAS, the Municipal Code of the City of Fort Wayne,  
8 Indiana, presently contains a Chapter 5, entitled "Amusements";  
9 and

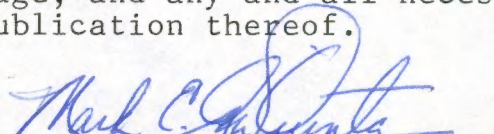
10 WHEREAS, this Chapter has not been reviewed nor  
11 amended since 1946; and

12 WHEREAS, many sections in this Chapter are either  
13 covered by State statute, are obsolete, or should be revised  
14 to agree with other chapters of this Municipal Code for  
15 continuity;

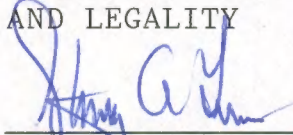
16 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
17 OF THE CITY OF FORT WAYNE, INDIANA:

18 SECTION 1. Chapter 5 of the Municipal Code of the  
19 City of Fort Wayne, Indiana, is hereby amended by deleting  
20 therefrom the present language and replacing therewith the  
21 language noted on the attached "Exhibit A" and made part  
22 hereof, which now constitutes Chapter 5.

23 SECTION 2. That this Ordinance shall be in full force  
24 and effect from and after its passage, and any and all necessary  
25 approval by the Mayor, and legal publication thereof.

26   
27 COUNCILMEMBER

28 APPROVED AS TO FORM  
29 AND LEGALITY

30   
31 Stanley A. Levine  
32 Attorney for Common Council



Read the first time in full and on motion by GiaQuinta, seconded by Stear, and duly adopted, read the second time by title and referred to the Committee Ex Hae Code of 1874 (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S

DATE: 5-13-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Gustaf, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>2</u>			
<u>BRADBURY</u>	<u>✓</u>				
<u>BURNS</u>		<u>✓</u>			
<u>EISBART</u>	<u>✓</u>				
<u>GiaQUINTA</u>		<u>✓</u>			
<u>HENRY</u>	<u>✓</u>				
<u>REDD</u>	<u>✓</u>				
<u>SCHMIDT</u>	<u>✓</u>				
<u>STIER</u>	<u>✓</u>				
<u>TALARICO</u>	<u>✓</u>				

DATE: 5-27-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~) (~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (RESOLUTION) NO. S-92-86 on the 27th day of May, 1986,

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of May, 1986, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29 day of May, 1986, at the hour of 3:30 o'clock P. M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



## New Index - Chapter 5

### AMUSEMENTS

#### Article I. Amusement Machine Locations

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- 5-2. Distributor's license.
- 5-3. Location Licenses -- Required; application and fee generally.
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- 5-5. Same -- Signatures and information on application.
- 5-6. Amusement machine license.
- 5-7. Restrictions.
- 5-8. Violations.

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- 5-10. Same -- Application; issuance; term.
- 5-11. Same -- Fees.

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- 5-13. License -- Required.
- 5-14. Same -- Application.
- 5-15. Same -- Fees; renewal date.
- 5-16. Same -- Issuance; renewal.
- 5-17. Same -- Revocation of license.
- 5-18. Severability of provisions of division.
- 5-19. Penalty.



## **Article I. Amusement Machine Locations**

### **New Sec. 5-1. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**AMUSEMENT MACHINE.** Any machine or device which is operated for public use upon premises solely within one enclosure and which is operated or put into operation in whole or in part by the insertion of a coin, token or similar object; provided, that the term "amusement machine" does not include coin-operated pool tables, musical devices, any machine or device used exclusively for vending or the vending of merchandise. Nothing herein shall be construed to permit the use of any device prohibited by law or the use of any device in any manner prohibited by law.

**AMUSEMENT MACHINE LOCATION.** The location, or operation by any person, of an amusement machine as defined in this section in any place where the public is admitted.

**DISTRIBUTOR.** Any person who sells, leases, rents or otherwise distributes or places for use, play or operation amusement machines at any amusement machine location. "Distributor" shall also mean the holder of any amusement machine location license.

### **New Sec. 5-2. Distributor's license.**

A distributor's license shall be required and obtained, and the annual distributor's license fee payable to the city controller shall be fifty dollars (\$50.00) per year. The license will expire on January 31 of each year.

### **New Sec. 5-3. Location Licenses -- Required; application and fee generally.**

No person shall own, operate or permit operation of an amusement machine on premises owned, leased or operated by him, or engage in the business of operating an amusement machine in the city unless an annual amusement machine location license has been obtained, as provided in this article.

An application for amusement machine location license shall be obtained upon application to the city controller and the payment of an annual license fee of fifty dollars (\$50.00) for each amusement machine location.



New Sec. 5-4. Issuance and display of location license; inspections.

Upon receipt of the application and fee for a license the city controller shall cause an amusement location machine license to be prepared. The city controller shall then refer the application and a license to the police department of the city which shall cause the amusement machine location to be promptly inspected. If the location inspected fulfills ordinance requirements, the police department will deliver a license to the location and the license will be deemed to be issued.

Thereafter, the police department shall make at least one annual inspection during the license year to determine whether the amusement machines therein located are operated or equipped for operation in violation of the law of the state or of this article and such police department may make additional inspections at any time.

The date of each inspection shall be written on the license by a member of the police department, on the date of such inspection.

New Sec. 5-5. Same -- Signatures and information on application for location licenses.

An application must be signed by the applicant in the case of a sole proprietorship. In case the applicant is a partnership, all partners must sign the application. In case the applicant is a corporation, all authorized officers must sign the application and indicate their official position. The information required in the application form must be furnished as to each person signing the application. Each application shall be accompanied by the required licensing fee and shall contain the following information:

- (a) The applicant's full name;
- (b) The applicant's residence address and telephone number;
- (c) The applicant's business address and business telephone number;
- (d) The address of the proposed amusement machine location;
- (e) The name and address of every person who has any interest in the amusement machine location, and the nature of that interest;
- (f) Whether or not the applicant has been convicted of any felony, or of any other misdemeanor;
- (g) A statement whether the location has ever been the site of an arrest for illegal dispensing of alcoholic beverages.

All amusement machine location licenses issued by the city for and existing at the effective date of this article shall continue until the expiration of the term of such license. Thereafter such amusement machine location license shall be obtained in accordance with the provisions of section 5-3 and other applicable provisions of this article.



New Sec. 5-6. Amusement machine license.

Such amusement machine license shall be obtained by the distributor or amusement machine location person in charge of maintaining the location from the city controller on the payment of an annual license fee of five dollars (\$5.00) for each amusement machine in use. A sticker shall be issued for each machine and placed thereon with the distributor's number printed on such sticker. Proper displaying means that such sticker shall be so affixed to the amusement machine so as to be visible to any person entering the establishment. If the sticker is damaged or removed, it shall be the responsibility of the person in charge or maintaining the location to obtain a new sticker at a five dollar (\$5.00) fee per reissued sticker. Any amusement machine not so bearing such sticker shall be confiscated. After the machine license and sticker is obtained, the machine can be returned to the owner. A storage fee of five dollars (\$5.00) per day will be charged for all confiscated machines and the fee is payable to the city controller. It is the responsibility of the owner to pick up the machine and if not claimed within a six month time period, it becomes the property of the city controller. Any amusement machine confiscated and is in violation of Section 5-5 or 5-7, shall not be returned and immediately becomes the property of the city controller.

New Sec. 5-7. Restrictions.

(a) An amusement machine location license shall not be issued to any person who has been convicted under the laws of the State of Indiana of any gambling offense, or to any corporation or partnership, a member or principal shareholder who has been convicted under the laws of the State of Indiana of any gambling offense. No gambling activities shall be conducted on the premises of an amusement machine location under this article.

(b) The license required and described in section 5-3 is not transferable in any manner.

(c) Each amusement machine in any amusement machine location shall have an amusement license tag or sticker attached to it.

(d) No amusement machine location shall exist within one thousand feet of a church or school; provided, that the word "school" shall not be taken to include a university or college or institute of higher education

This article shall not apply to any room or area which is maintained by or for a benevolent, religious, educational, civic, patriotic, fraternal or philanthropic organization or purpose.



New Sec. 5-8. Violations.

It shall be unlawful for any person or distributor to operate or place in operation any amusement machine at any amusement machine location without first obtaining an amusement machine location license and having each amusement machine in his possession display one license sticker attached to each amusement machine showing a valid license therefor; and it shall be unlawful for any person to act as a distributor without first having obtained a distributor's license from the city controller or having obtained an amusement machine license.

Any person shall be subject to, for every violation of this article, revocation of its distributor or amusement machine location license as provided for in Indiana State Statute I.C. 35-4-5-5.

**New Article II. Theaters and Moving Picture Houses.**

Division 1. Generally

New Sec. 5-9. License -- Required.

It shall be unlawful for any person to own, control, maintain or operate, or open, or cause to be opened, controlled, maintained or operated within the city any theater or moving picture house or room where moving pictures are exhibited where an entry fee is charged without having first procured a license from the city controller to do so.

New Sec. 5-10. Same -- Application; issuance; term.

Any person desiring to maintain, operate or open in the city any theater, moving picture house or room wherein moving pictures are exhibited, shall apply to the city controller for a license to do so upon application forms to be furnished by the controller, giving the location and street number, telephone number, and owner name where such theater or moving picture house or room is located and the character of the performances to be given, and upon the payment of the proper license fee, the city controller shall issue such license, which shall be in force for one year only and expire annually on August 31st. Applications for renewals of licenses must be filed not more than 60 days prior to termination of the existing permit.

New Sec. 5-11. Same -- Fees.

The fees for licenses to be paid the controller shall be three hundred dollars (\$300.00) where alcoholic beverages are sold and two hundred dollars (\$200.00) where no alcoholic beverages are sold.



Division 2. Outdoor Drive-Ins.

New Sec. 5-12. Defined.

"Outdoor drive-in theater" as used in this article shall mean an open lot, an open area or other parcel of land, or part thereof, with its appurtenant facilities, devoted primarily to showing of moving pictures, motion pictures, or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

New Sec. 5-13. License -- Required.

It shall be unlawful for any person to operate or maintain a theater within the city without having a valid license therefor in force and effect under the terms and provisions of this article.

New Sec. 5-14. Same -- Application.

Application for license issued hereunder shall be made upon application forms to be prepared and made available by the city controller and shall state:

- (a) The name and business address of the applicant and the address where such outdoor drive-in theater is located or is proposed to be located, and the business telephone number, home address, and home telephone number of the applicant.
- (b) The number of automobiles and patrons which the outdoor drive-in theater is designed to accommodate.
- (c) The hours of operation of such theater.
- (d) The general character of the performances to be given.

New Sec. 5-15. Same -- Fees; renewal date.

An application for license hereunder shall be accompanied by a non-refundable license fee of seventy-five dollars (\$75.00). Any license issued hereunder shall be renewable on the first day of May of each succeeding year after the date of issuance.

New Sec. 5-16. Same -- Issuance; renewal.

Within fifteen days after receipt of an application as provided herein, the city controller shall issue or renew a license hereunder when he finds:

- (a) That the applicant is capable of operating the proposed business in a manner consistent with public safety; and
- (b) That the requirements of this article and of all other governing laws and ordinances have been met.

New Sec. 5-17. Same -- Revocation of license.

Every person shall be subject to, for any violation of this article, revocation of his/her license as provided for in Indiana Statute I.C. 35-4-5-5.



New Sec. 5-18. Severability of provisions of division.

Each word, phrase, paragraph and section of this division is hereby declared to be an individual section or provision, and the holding of any word, phrase, paragraph, or section to be void, ineffective or unconstitutional for any cause whatsoever, shall not be deemed to affect any other word, phrase, paragraph or section thereof or to circumstances or facts not connected with such holding.

New Sec. 5-19. Penalty.

Any violaton of this chapter shall constitute a fine of not less than three hundred dollars (\$300.00) and not to exceed one thousand dollars (\$1,000.00).





# The City of Fort Wayne

May 27, 1986

Fort Wayne Common Council  
One Main Street, Room 126  
City-County Building  
Fort Wayne, IN 46802

Dear Councilmember,

Please find the attached revised copy of Chapter 5, which resulted from a meeting this morning with Jim Haley, Detective Steve Butz, Councilperson Mark GiaQuinta, Scott Nedberg of Jack Eiser Sales, and myself.

The following amendments, which will be offered this evening, are reflected in the attached document:

Sec. 5-1. Under the definition of "Amusement Machine", it was decided to retain "coin operated pool tables" in this section to be licensed and regulated. The reason for this change is that Detective Butz and Scott Nedberg felt that the coin operated pool tables could create similar problems that the amusement machines do.

Sec. 5-3. Additional language was inserted to restrict the illegal use of a distributor who does not have a location license from exploiting the location license of another distributor who has left that same location.

Sec. 5-7 (b). It was decided that a distributor could transfer a location license, as long as the city controller has been notified and can record the change of location.

As you remember from the discussion last Tuesday, Mr. Nedberg stated that he moved his machines daily and would like a provision in the code to allow him to place his amusement machine license sticker under the glass of his machines, and not have to get a new sticker every time he changes a location. This was discussed and decided that this could be implemented as a policy procedure, rather than a part of the city code.

In addition, the question of how the \$50.00 distributor and location license was arrived at, was discussed. Jim Haley stated that he felt that his office was spending about \$20.00 to process the application (i.e. taking the application, review, and forwarding it on to the police department), and that the police and fire departments were spending at least \$30.00 additionally to follow up with inspections.

I hope this information is clear and explains the proposed changes. Please feel free to contact me with any further questions on this chapter (744-0127).

c. c. file  
All councilmembers  
Sandy Kennedy  
Stan Levine

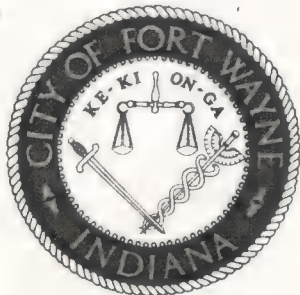
Singerley

Kate Love-Jacobson  
Research Assistant

Enclosures

An Equal Opportunity Employer  
One Main Street, Fort Wayne, Indiana 46802





# The City of Fort Wayne

June 2, 1986

Ms. Trudy Sterling  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the dates of June 5 and 12, 1986, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. S-86-05-01 (as amended)  
Special Ordinance No. S-92-86

"Amusements"

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1



LEGAL NOTICE

Notice is hereby given that on the 27th day of  
May, 19 86, the Common Council of the City  
of Fort Wayne, Indiana, in a Regular Session did pass  
the following Bill No. S-86-05-01 (as amended)  
Ordinance No. S-92-86 to-wit:

1 BILL NO. S-86-05- 01 (*as amended*)

2 SPECIAL ORDINANCE NO. S-92-86

3 AN ORDINANCE amending the Municipal Code of  
4 the City of Fort Wayne, Indiana, by deleting  
5 Chapter 5 thereof and replacing therewith an  
6 entire new Chapter entitled "Amusements."

7 WHEREAS, the Municipal Code of the City of Fort Wayne,  
8 Indiana, presently contains a Chapter 5, entitled "Amusements";  
9 and

10 WHEREAS, this Chapter has not been reviewed nor  
11 amended since 1946; and

12 WHEREAS, many sections in this Chapter are either  
13 covered by State statute, are obsolete, or should be revised  
14 to agree with other chapters of this Municipal Code for  
15 continuity;

16 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
17 OF THE CITY OF FORT WAYNE, INDIANA:

18 SECTION 1. Chapter 5 of the Municipal Code of the  
19 City of Fort Wayne, Indiana, is hereby amended by deleting  
20 therefrom the present language and replacing therewith the  
21 language noted on the attached "Exhibit A" and made part  
22 hereof, which now constitutes Chapter 5.

23 SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, and any and all necessary  
approval by the Mayor, and legal publication thereof.

Mark E. GiaQuinta

  
COUNCILMEMBER



Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Seven  
Bradbury, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: Two  
Burns, GiaQuinta  
ABSENT: None  
ABSTAINED: None

DATE: 5-27-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-92-86, on the 27th day of May, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

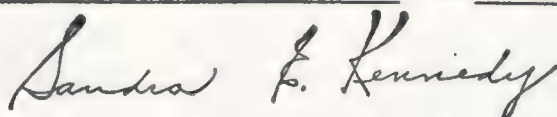
Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Special Ordinance No. S-92-86, passed by the Common Council on the 27th day of May, 19 86, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of May, 19 86, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of May, 19 86.

SEAL

  
SANDRA E. KENNEDY, CITY CLERK



Fort Wayne Common Council

LEGAL NOTICE

Notice is hereby given that on the 27th day of May, 1986, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. S-86-05-01 (as amended) Ordinance No. S-92-86 to-wit:

BILL NO. S-86-05-01 (as amended)

SPECIAL ORDINANCE NO. S-92-86 AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana, by deleting Chapter 5 thereof and replacing therewith an entire new Chapter entitled 'Amusements'; and

WHEREAS, the Municipal Code of the City of Fort Wayne, Indiana, presently contains a Chapter 5, entitled 'Amusements'; and WHEREAS, this Chapter has not been reviewed nor amended since 1946; and

WHEREAS, many sections in this Chapter are either covered by State statute, are obsolete, or should be revised to agree with other chapters of this Municipal Code for continuity;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 5 of the Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by deleting therefrom the present language and replacing therewith the language noted on the attached 'Exhibit A' and made part hereof, which now constitutes Chapter 5.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor, and legal publication thereof.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote.

AYES: Seven  
Bradbury, Eisbart, Henry, Redd, Schmidt, Stier, Talarico

NAYS: Two  
Burns, GiaQuinta  
ABSENT: None  
ABSTAINED: None  
DATE: 5-27-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-92-86, on the 27th day of May, 1986.

ATTEST: Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Special Ordinance No. S-92-86, passed by the Common Council on the 27th day of May, 1986, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of May, 1986, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of May, 1986.

SANDRA E. KENNEDY, CITY CLERK

Article I. Amusement Machine Locations

'EXHIBIT A'  
New Sec. 5-1. Definitions.  
For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

AMUSEMENT MACHINE. Any machine or device which is operated for public use upon premises solely within one enclosure and which is operated or put into operation in whole or in part by the insertion of a coin, token or similar object including coin operated pooltables; provided, that the term 'amusement machine' does not include coin operated musical devices, any machine or device used exclusively for vending or the vending of merchandise. Nothing herein shall be construed to permit the use of any device prohibited by law or the use of any device in any manner prohibited by law.

AMUSEMENT MACHINE LOCATION. The location, or operation by any person, of an amusement machine as defined in this section in any place where the public is admitted.

DISTRIBUTOR. Any person who sells, leases, rents or otherwise distributes or places for use, play or operation amusement machines at any amusement machine location. 'Distributor' shall also mean the holder of any amusement machine location license.

New Sec. 5-2. Distributor's license.  
A distributor's license shall be required and obtained, and the annual distributor's license fee payable to the city controller shall be fifty dollars (\$50.00) per year. The license will expire on January 31 of each year.

New Sec. 5-3. Location Licenses - Required; application and fee generally.

No person shall own, operate or permit operation of an amusement machine on premises owned, leased or operated by him, or engage in the business of operating an amusement machine in the city unless an annual amusement machine location license has been obtained, as provided in this article.

An application for amusement machine location license shall be obtained upon application to the city controller and the payment of an annual license fee of fifty dollars (\$50.00) for each amusement machine location. A distributor who ceases doing business at a location for which it has obtained a location license shall so notify the city controller, in writing, on forms provided by the controller within 10 (ten) days from the date the business terminated at the location. Any distributor who fails to comply with the above notification provision shall not be allowed to transfer the location permit for that location nor be allowed a credit, in any form, for the unused period for which the permit was issued.

New Sec. 5-4. Issuance and display of location license; inspections.

Upon receipt of the application and fee for a license the city controller shall cause an amusement location machine license to be prepared. The city controller shall then refer the application and a license to the police department of the city which shall cause the amusement machine location to be promptly inspected. If the location inspected fulfills ordinance requirements, the police department will deliver a license to the location and the license will be deemed to be issued.

Thereafter, the police department shall make at least one annual inspection during the license year to determine whether the amusement machines therein located are operated or equipped for operation in violation of the law of the state or of this article and such police department may make additional inspections at any time.

County, IN

PUBLISHER'S CLAIM

not exceed two actual lines, neither of which shall total more than four solid lines  
hich the body of the advertisement is set) - number of equivalent lines

The date of each inspection shall be written on the license by a member of the police department, on the date of such inspection.

New Sec. 5-5. Same - Signatures and information on application for location licenses.

An application must be signed by the applicant in the case of a sole proprietorship. In case the applicant is a partnership, all partners must sign the application. In case the applicant is a corporation, all authorized officers must sign the application and indicate their official position. The information required in the application form must be furnished as to each person signing the application. Each application shall be accompanied by the required licensing fee and shall contain the following information:

(a) The applicant's full name;

(b) The applicant's residence address and telephone number;

(c) The applicant's business address and business telephone number;

(d) The address of the proposed amusement machine location;

(e) The name and address of every person who has any interest in the amusement machine location, and the nature of that interest;

(f) Whether or not the applicant has been convicted of any felony, or of any other misdemeanor;

(g) A statement whether the location has ever been the site of an arrest of illegal dispensing of alcoholic beverages.

All amusement machine location licenses issued by the city for and existing at the effective date of this article shall continue until the expiration of the term of such license. Thereafter such amusement machine location license shall be obtained in accordance with the provisions of section 5-3 and other applicable provisions of this article.

New Sec. 5-6. Amusement machine license.

Such amusement machine license shall be obtained by the distributor or amusement machine location person in charge of maintaining the location from the city controller on the payment of an annual license fee of five dollars (\$5.00) for each amusement machine in use. A sticker shall be issued for each machine and placed thereon with the distributor's number printed on such sticker. Proper displaying means that such sticker shall be so affixed to the amusement machine so as to be visible to any person entering the establishment. If the sticker is damaged or removed, it shall be the responsibility of the person in charge of maintaining the location to obtain a new sticker at five dollars (\$5.00) fee per reissued sticker. Any amusement machine not so bearing such sticker shall be confiscated. After the machine license and sticker is obtained, the machine can be returned to the owner. A storage fee of five dollars (\$5.00) per day will be charged for all confiscated machines and the fee is payable to the city controller. It is the responsibility of the owner to pick up the machine and if not claimed within a six month time period, it becomes the property of the city controller. Any amusement machine confiscated and is in violation of Section 5-5 or 5-7, shall not be returned and immediately becomes the property of the city controller.

New Sec. 5-7. Restrictions.

(a) An amusement machine location license shall not be issued to any person who has been convicted under the laws of the State of Indiana of any gambling offense, or to any corporation or partnership, a member or principal shareholder who has been convicted under the laws of the State of Indiana of any gambling offense. No gambling activities shall be conducted on the premises of an amusement machine location under this article.

(b) The license required and described in section 5-3 is transferable upon application to the city controller and after payment of a transfer fee to be set from time to time by the controller.

(c) Each amusement machine in any amusement machine location shall have an amusement license tag or sticker attached to it.

(d) No amusement machine location shall exist within one thousand feet of a church or school; provided, that the word 'school' shall not be taken to include a university or college or institute of higher education.

This article shall not apply to any room or area which is maintained by or for a benevolent, religious, educational, civic, patriotic, fraternal or philanthropic organization or purpose.

New Sec. 5-8. Violations.

It shall be unlawful for any person or distributor to operate or place in operation any amusement machine at any amusement machine location without first obtaining an amusement machine location license and having each amusement machine in his possession display one license sticker attached to each amusement machine showing a valid license therefor; and it shall be unlawful for any person to act as a distributor without first having obtained a distributor's license from the city controller or having obtained an amusement machine license.

Any person shall be subject to, for every violation of this article, revocation of its distributor or amusement machine location license as provided for in Indiana State Statue I.C. 36-4-5-5.

New Article II. Theaters and Moving Picture Houses.

Division 1. Generally.

New Sec. 5-9. License-Required.

It shall be unlawful for any person to own, control, maintain or operate, or open, or cause to be opened, controlled, maintained or operated within the city any theater or moving picture house or room where moving pictures are exhibited where an entry fee is charged without having first procured a license from the city controller to do so.

New Sec. 5-10. Same Application; issuance, term.

Any person desiring to maintain, operate or open in the city any theater, moving picture house or room wherein moving pictures are exhibited, shall apply to the city controller for license to do so upon application forms to be furnished by the controller, giving the location and street number, telephone number, and owner name where such theater or moving picture house or room is located and the character of the performances to be given, and upon the payment of the proper license fee, the city controller shall issue such license, which shall be in force for one year only and expire annually on August 31. Applications for renewals of licenses must be filed not more than 60 days prior to termination of the existing permit.

6/5-12

To JOURNAL-GAZETTE Dr.  
P.O. BOX 100  
FORT WAYNE, INDIANA

1

284

285

.450¢

128.25

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1.00

129.25

\$.....

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ally due, after allowing all just credits, and that no part of the same

Drusilla Roose

CLERK

PUBLISHER'S AFFIDAVIT

a notary public in and for said county and state, the  
la Roose

who, being duly sworn, says

ERK

of the

newspaper of general circulation printed and published

FORT WAYNE, INDIANA

that the printed matter attached hereto is a true copy,  
two times

the dates of publication being

/86

Drusilla Roose

12th

June

86

Shelley R. LaRue

Notary Public

3, 1990







Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To

NEW-SENTINEL

Dr.

P.O. BOX 100

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines			.....
Head	number of lines		1
Body	number of lines		284
Tail	number of lines		.....
Total number of lines in notice			285

COMPUTATION OF CHARGES

LEGAL NOTICE

Notice is hereby given that on the 27th day of May, 1986, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. S-86-05-01 (as amended) Ordinance No. S-92-86 to-wit:

BILL NO. S-86-05-01 (as amended)  
SPECIAL ORDINANCE NO. S-92-86  
AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana, by deleting Chapter 5 thereof and replacing therewith an entire new Chapter entitled 'Amusements'; and

WHEREAS, the Municipal Code of the City of Fort Wayne, Indiana, presently contains a Chapter 5, entitled 'Amusements'; and

WHEREAS, this Chapter has not been reviewed nor amended since 1946; and

WHEREAS, many sections in this Chapter are either covered by State statute, are obsolete, or should be revised to agree with other chapters of this Municipal Code for continuity;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 5 of the Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by deleting therefrom the present language and replacing therewith the language noted on the attached 'Exhibit A' and made part hereof, which now constitutes Chapter 5.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor, and legal publication thereof.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Seven  
Bradbury, Eisbart, Henry, Redd, Schmidt, Stier, Talarico

NAYS: Two  
Burns, GiaQuinta

ABSENT: None

ABSTAINED: None

DATE: 5-27-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-92-86, on the 27th day of May, 1986.

ATTEST: Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Special Ordinance No. S-92-86, passed by the Common Council on the 27th day of May, 1986, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of May, 1986, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of May, 1986.

SANDRA E. KENNEDY, CITY CLERK

Article I. Amusement Machine Locations  
'EXHIBIT A'

New Sec. 5-1. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

AMUSEMENT MACHINE. Any machine or device which is operated for public use upon premises solely within one enclosure and which is operated or put into operation in whole or in part by the insertion of a coin, token or similar object including coin operated pooltables; provided, that the term 'amusement machine' does not include coin operated musical devices, any machine or device used exclusively for vending or the vending of merchandise. Nothing herein shall be construed to permit the use of any device prohibited by law or the use of any device in any manner prohibited by law.

AMUSEMENT MACHINE LOCATION. The location, or operation by any person, of an amusement machine as defined in this section in any place where the public is admitted.

DISTRIBUTOR. Any person who sells, leases, rents or otherwise distributes or places for use, play or operation amusement machines at any amusement machine location. 'Distributor' shall also mean the holder of any amusement machine location license.

New Sec. 5-2. Distributor's license.

A distributor's license shall be required and obtained, and the annual distributor's license fee payable to the city controller shall be fifty dollars (\$50.00) per year. The license will expire on January 31 of each year.

New Sec. 5-3. Location Licenses - Required; application and fee generally.

No person shall own, operate or permit operation of an amusement machine on premises owned, leased or operated by him, or engage in the business of

Division 1. Generally

New Sec. 5-9. License-Required.

It shall be unlawful for any person to own, control, maintain or operate, or open, or cause to be opened, controlled, maintained or operated within the city any theater or moving picture house or room where moving pictures are exhibited where an entry fee is charged without having first procured a license from the city controller to do so.

New Sec. 5-10. Same Application; issuance, term.

Any person desiring to maintain, operate or open in the city any theater, moving picture house or room wherein moving pictures are exhibited, shall apply to the city controller for license to do so upon application forms to be furnished by the controller, giving the location and street number, telephone number, and owner name where such theater or moving picture house or room is located and the character of the performances to be given, and upon the payment of the proper license fee, the city controller shall issue such license, which shall be in force for one year only and expire annually on August 31. Applications for renewals of licenses must be filed not more than 60 days prior to termination of the existing permit.

6/5-12

2.5 picas

2

Ch. 89., Acts 1967.

is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

equivalent lines at ..... .450¢ \$ 128.25

above amount) .....

wo) 2 extra ..... 1.00

\$ 129.25

Size of type ..... 6 ..... point

Size of quad upon which type is cast ..... 6 .....

Drusilla Roose

Title ..... CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ..... Drusilla Roose

that he/she is ..... CLERK ..... of the

NEWS-SENTINEL

a ..... DAILY ..... newspaper of general circulation printed and published

in the English language in the city town of ..... FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for ..... two times ..... the dates of publication being as follows:

6/5 - 6/12/86

Subscribed and sworn to me before this ..... 12th ..... day of June 19 86

Shelley R. LaRue Notary Public

My commission expires ..... March 3, 1990



Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To NEW-SENTINEL Dr.  
P.O. BOX 100  
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

operating an amusement machine in the city unless an annual amusement machine location license has been obtained, as provided in this article.

An application for amusement machine location license shall be obtained upon application to the city controller and the payment of an annual license fee of fifty dollars (\$50.00) for each amusement machine location. A distributor who ceases doing business at a location for which it has obtained a location license shall so notify the city controller, in writing, on forms provided by the controller within 10 (ten) days from the date the business terminated at the location. Any distributor who fails to comply with the above notification provision shall not be allowed to transfer the location permit for that location nor be allowed a credit, in any form, for the unused period for which the permit was issued.

New Sec. 5-4. Issuance and display of location license; inspections.

Upon receipt of the application and fee for a license the city controller shall cause an amusement location machine license to be prepared. The city controller shall then refer the application and a license to the police department of the city which shall cause the amusement machine location to be promptly inspected. If the location inspected fulfills ordinance requirements, the police department will deliver a license to the location and the license will be deemed to be issued.

Thereafter, the police department shall make at least one annual inspection during the license year to determine whether the amusement machines therein located are operated or equipped for operation in violation of the law of the state or of this article and such police department may make additional inspections at any time.

The date of each inspection shall be written on the license by a member of the police department, on the date of such inspection.

New Sec. 5-5. Same - Signatures and information on application for location licenses.

An application must be signed by the applicant in the case of a sole proprietorship. In case the applicant is a partnership, all partners must sign the application. In case the applicant is a corporation, all authorized officers must sign the application and indicate their official position. The information required in the application form must be furnished as to each person signing the application. Each application shall be accompanied by the required licensing fee and shall contain the following information:

(a) The applicant's full name;

(b) The applicant's residence address and telephone number;

(c) The applicant's business address and business telephone number;

(d) The address of the proposed amusement machine location;

(e) The name and address of every person who has any interest in the amusement machine location, and the nature of that interest;

(f) Whether or not the applicant has been convicted of any felony, or of any other misdemeanor;

(g) A statement whether the location has ever been the site of an arrest of illegal dispensing of alcoholic beverages.

All amusement machine location licenses issued by the city for and existing at the effective date of this article shall continue until the expiration of the term of such license. Thereafter such amusement machine location license shall be obtained in accordance with the provisions of section 5-3 and other applicable provisions of this article.

New Sec. 5-6. Amusement machine license.

Such amusement machine license shall be obtained by the distributor or amusement machine location person in charge of maintaining the location from the city controller on the payment of an annual license fee of five dollars (\$5.00) for each amusement machine in use. A sticker shall be issued for each machine and placed thereon with the distributor's number printed on such sticker. Proper displaying means that such sticker shall be so affixed to the amusement machine so as to be visible to any person entering the establishment. If the sticker is damaged or removed, it shall be the responsibility of the person in charge of maintaining the location to obtain a new sticker at five dollars (\$5.00) fee per reissued sticker. Any amusement machine not so bearing such sticker shall be confiscated. After the machine license and sticker is obtained, the machine can be returned to the owner. A storage fee of five dollars (\$5.00) per day will be charged for all confiscated machines and the fee is payable to the city controller. It is the responsibility of the owner to pick up the machine and if not claimed within a six month time period, it becomes the property of the city controller. Any amusement machine confiscated and is in violation of Section 5-5 or 5-7, shall not be returned and immediately becomes the property of the city controller.

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(b) The license required and described in section 5-3 is transferable upon application to the city controller and after payment of a transfer fee to be set from time to time by the controller.

(c) Each amusement machine in any amusement machine location shall have an amusement license tag or sticker attached to it.

(d) No amusement machine location shall exist within one thousand feet of a church or school; provided, that the word 'school' shall not be taken to include a university or college or institute of higher education.

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It shall be unlawful for any person or distributor to operate or place in operation any amusement machine at any amusement machine location without first obtaining an amusement machine location license and having each amusement machine in his possession display one license sticker attached to each amusement machine showing a valid license therefor; and it shall be unlawful for any person to act as a distributor without first having obtained a distributor's license from the city controller or having obtained an amusement machine license.

Any person shall be subject to, for every violation of this article, revocation of its distributor or amusement machine location license as provided for in Indiana State Statute I.C. 36-4-5-5.

New Article II. Theaters and Moving Picture Houses.

to exceed two actual lines, neither of which shall total more than four solid lines (which the body of the advertisement is set) - number of equivalent lines

1  
284  
285

1 285 .450¢ \$128.25

ices containing rule or tabular work (50 per cent of above amount)

2 extra 1.00

NT OF CLAIM \$129.25

Size of type 6 point

Size of quad upon which type is cast 6

a. 89., Acts 1967.

just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Drusilla Roose

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says

that he/she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, two times

which was duly published in said paper for the dates of publication being as follows:

6/5 - 6/12/86

Subscribed and sworn to me before this 12th day of June 1986

Shelley R. LaRue Notary Public

My commission expires March 3, 1990



Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To NEW-SENTINEL Dr.  
P.O. BOX 100  
FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

1

Body number of lines

284

Tail number of lines

Total number of lines in notice

285

## COMPUTATION OF CHARGES

285 lines, 1 columns wide equals 285 equivalent lines at .450¢ \$ 128.25  
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00

TOTAL AMOUNT OF CLAIM

\$ 129.25

## DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Drusilla Roose*

Date June 12, 19 86

Title CLERK

FORM #903

## PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roosethat he/she is CLERK of theNEWS-SENTINELa DAILY newspaper of general circulation printed and publishedin the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, two times

which was duly published in said paper for \_\_\_\_\_, the dates of publication being as follows:

6/5 - 6/12/86

Subscribed and sworn to me before this 12th day of June 19 86

*Shelley R. LaRue*  
Shelley R. LaRue Notary Public

My commission expires March 3, 1990

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AMUSEMENT MACHINE. Any machine or device which is operated for public use upon premises solely within one enclosure and which is operated or put into operation in whole or in part by the insertion of a coin, token or similar object including coin operated pooltables; provided, that the term 'amusement machine' does not include coin operated musical devices, any machine or device used exclusively for vending or the vending of merchandise. Nothing herein shall be construed to permit the use of any device prohibited by law or the use of any device in any manner prohibited by law.

AMUSEMENT MACHINE LOCATION. The location, or operation by any person, of an amusement machine as defined in this section in any place where the public is admitted.

DISTRIBUTOR. Any person who sells, leases, rents or otherwise distributes or places for use, play or operation amusement machines at any amusement machine location. 'Distributor' shall also mean the holder of any amusement machine location license.

New Sec. 5-2. Distributor's license.  
A distributor's license shall be required and obtained, and the annual distributor's license fee payable to the city controller shall be fifty dollars (\$50.00) per year. The license will expire on January 31 of each year.

New Sec. 5-3. Location Licenses - Required; application and fee generally.

No person shall own, operate or permit operation of an amusement machine on premises owned, leased or operated by him, or engage in the business of



BILL NO. S-86-05-01

REPORT OF THE COMMITTEE ON AD HOC COMMITTEE MUNICIPAL  
CODE OF 1974

WE, YOUR COMMITTEE ON AD HOC COMMITTEE MUNICIPAL CODE OF 1974 TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~XXXXXXXXXX~~) (~~RESOLUTION~~) amending the Municipal Code  
of the City of Fort Wayne, Indiana, by deleting Chapter 5 thereof and  
replacing therewith an entire new Chapter entitled "Amusements"

HAVE HAD SAID (ORDINANCE) (~~XXXXXXXXXX~~) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~)

YES

Charles B. Reed  
Samuel J. Talarico  
Phyllis A. Davis  
W. J. Schmitt  
Janet G. Bradbury

NO

[Signature]

[Signature]

John  
CONCURRED IN 5-27-86

SANDRA E. KENNEDY  
CITY CLERK